

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

RHONDA ROSE,

Civil No. 09-672-HU

Plaintiff,

v.

ORDER

MICHAEL ASTRUE, Commissioner  
of Social Security,

Defendant.

MARSH, Judge.

Pending before the court is the Findings and Recommendation of Magistrate Judge Dennis J. Hubel filed on September 28, 2010, recommending that the Commissioner's decision that plaintiff is not disabled under Titles II and XVI of the Social Security Act be affirmed. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert.

denied, 455 U.S. 920 (1982).

Plaintiff objects to the Magistrate's findings concerning the opinion of Scott P. Hoopes, M.D. According to plaintiff, the ALJ improperly evaluated Dr. Hoopes's opinion that plaintiff has "frequent" deficiencies of concentration, persistence and pace. The Findings and Recommendation concluded that the ALJ properly evaluated Dr. Hoopes's opinion.

Having given the file of this case a *de novo* review, I find no error. The ALJ determined that although Dr. Hoopes indicated that plaintiff had "slight" restrictions in activities of daily living, and "frequent" deficiencies of concentration, persistence and pace, Dr. Hoopes specifically opined that plaintiff's mental impairments do not "limit her ability to work." Moreover, the ALJ noted that Dr. Hoopes similarly opined that plaintiff does not suffer from a severe mental impairment. Judge Hubel concluded that the ALJ's assessment of Dr. Hoopes's opinion is supported by substantial evidence in the record, and that the ALJ applied the proper legal standards. I agree. Accordingly, I conclude that Judge Hubel's Findings and Recommendation is well-reasoned, without error, and adopted in its entirety.

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**CONCLUSION**

The Magistrate Judge's Findings and Recommendation (#21) in this proceeding is ADOPTED, the decision of the Commissioner is AFFIRMED, and this proceeding is DISMISSED.

IT IS SO ORDERED.

DATED this 17 day of November, 2010

/s/ Malcolm F. Marsh  
Malcolm F. Marsh  
United States District Judge